Applicant : Barry Appelman and Stephen Vaughan
Murphy
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REMARKS

Claims 1, 2, 5-13, 15, 17, 19-21, 23, 24, 26, 27, 30-38, 40, 42, 44-46, 48, 49, 51-66, and 68-72 are pending, with claims 1, 26, 51, 58, 70, and 71 being independent. Claims 3, 4, 14, 16, 18, 22, 25, 28, 29, 39, 41, 43, 47, 50, and 67 have been cancelled. Claims 1, 17, 21, 26, 27, 30-38, 42, 45, 46, 48, 58, 70, and 71 have been amended. No new subject matter has been added. Applicants thank the Examiner for the courtesy of the telephonic interview conducted on May 7 2009, the substance of which is incorporated in the Response by reference.

Claim Objections

Claim 21 has been objected due to informalities. Claim 21 has been amended to minor typographical errors. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claim 21.

35 U.S.C. § 101 Rejections

Claims 1, 2, 5-13, 15, 17, 19-21, 23, 24, 26, 27, 30-38, 40, 42, 44-46, 48, 49, 52-66 and 68-72 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the Office Action contends that methods of claims 1, 58, 70, and 71 are not (1) tied to a particular machine or apparatus, nor do they (2) transform a particular article into a different state or thing. See Office Action at page 2-3. Independent claims 1, 58, 70, and 71 have been amended to recite a system that includes at least one processor. Claims 1, 58, 70, and 71 have also been amended to recite using the at least one processor to enable selection of a first sound and using the at least one processor to alert a monitoring user of the change in online presence. Therefore, methods recited in the amended independent claims 1, 58, 70, and 71 are tied to a particular machine or apparatus. Accordingly, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 1, 58, 70, and 71 and their dependent claims.

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Claims 26, 27, 30-38, 40, 42, 44-46, 48, and 49 stand rejected for being directed to non-statutory subject matter. Claims 26, 27, 30-38, 42, 45, 46, and 48 have been amended to recite a computer processor and are thus directed to the statutory subject matter. Accordingly, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 26 and its dependent claims.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.
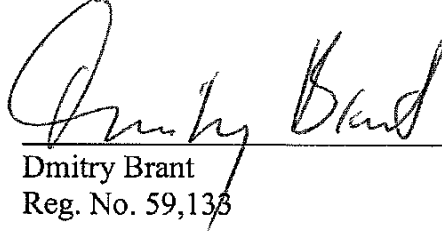
No fees are believed due at this time. Please apply any other charges or credits to deposit account 06-1050.

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Respectfully submitted,

Date: 8/19/09

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